IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 962/2004

SMT. SUSHEELA Vs. NAND SINGH

Date: 11.05.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Amit Sharma for
Mr. J.P. Goyal for the petitioner.

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None appeared on behalf of the respondent despite service.

The present criminal revision petition under Section 401/397 Cr.P.C. is preferred by the petitioner against the judgment dated 05.12.2003 passed by the Special Judge, SC/ST (Prevention of Atrocitieis) Cases & Additional Sessions Judge, Alwar in Criminal Appeal No. 74/2002, whereby the judgment dated 28.10.2002 passed by the Civil Judge (Jr. Division) & Judicial Magistrate First class, Thanagazi in Criminal Case No. 183/97 granting maintenance to the petitioner-wife under Section 125 Cr.P.C. @ Rs. 500/- per month has been quashed and set-aside.

Heard learned counsel for the petitioner and have also gone through the impugned judgment dated

05.12.2003 passed by the Appellate Court as well as the judgment dated 28.10.2002 passed by the trial Court.

The Appellate Court has not properly considered each and every aspect and on the wrong premises quashed and set-aside the order dated 28.10.2002 passed by the trial Court.

Having gone through the impugned judgment dated 05.12.2003, I find illegality and error apparent on the face of the record and the impugned judgment deserves to be quashed and set-aside.

Consequently, the impugned judgment dated 05.12.2003 passed by the Special Judge, SC/ST (Prevention of Atrocities) Cases & Additional Sessions Judge, Alwar is hereby quashed and set-aside and the judgment dated 28.10.2002 passed by the Civil Judge (Jr. Division) & Judicial Magistrate First class, Thanagazi is upheld.

The revision petition stands allowed accordingly.

Record be sent back forthwith.

(K.S. RATHORE),J.

/KKC/